

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

HENRY LEWIS ASTROP,

Petitioner,

v.

BRUNSWICK,

Respondent.

)
)
)
)
)
)
)
)
)
)

Civil Action No. **3:07CV302-HEH**

MEMORANDUM OPINION

Petitioner, a former Virginia state prisoner proceeding *pro se*, submitted this 28 U.S.C. § 2254 petition. By Memorandum Order dated June 8, 2007, the Court directed Petitioner to complete and return an affidavit in support of his request to proceed *in forma pauperis* within fifteen (15) days of the date of entry thereof. More than fifteen (15) days have passed and Petitioner has not returned the required affidavit. Petitioner also has failed to pay the assessed filing fee. Although Petitioner swears that he is unable to pay the filing fee for this action, the Court cannot assess Petitioner's ability to proceed *in forma pauperis* without the affidavit. The information Petitioner would have provided on such affidavit is necessary for the Court to ascertain whether his financial status entitles him to proceed *in forma pauperis*. Petitioner offers no explanation for his failure to return the *in forma pauperis* affidavit. Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: Aug. 2, 2007
Richmond, Virginia

[Handwritten signature]

/s/
Henry E. Hudson
United States District Judge